



## KENTUCKY BOARD OF PHYSICAL THERAPY

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Rebecca E. Klusch  
Executive Director

### MINUTES OF MEETING January 21, 2010

Board Members Present: Ron Barbato, PT, Chair  
Peggy Block, PT, Chair-elect  
Charles Clark, PT  
Janice Kuperstein, PT  
Troy Grubb, PT  
Virginia Johnson, Public Member

Board Staff: Rebecca E. Klusch, Executive Director

Board Agents: Mark Brengelman, Assistant Attorney General, Board Counsel  
Brian Fingerson, RPh, IPTPC Program Administrator

Others: Deon Mason, UK Pharmacy student

Board Member Absent: Margaret Blain, PT

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee, was called to order at 1:00 p.m., Wednesday, January 20, 2010, at Board Office. Motion was made by Ron Barbato to go into closed session per KRS 61.810(1) (c) and (j), seconded by Troy Grubb. Motion carried. Motion was made by Ron Barbato to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 6:30 p.m.

A meeting of the Kentucky Board of Physical Therapy, Complaint Committee, was called to order at 8:30 a.m., Thursday, January 21, 2010, at Board Office. Motion was made by Peggy Block to go into closed session per KRS 61.810(1) (c) and (j), seconded by Troy Grubb. Motion carried. Motion was made by Peggy Block to come out of closed session, seconded by Troy Grubb. Motion carried. The committee meeting adjourned at 9:00 a.m.

A meeting of the Kentucky Board of Physical Therapy was called to order by Board Chair, Peggy Block, at 9:20 a.m., Thursday, January 21, 2010, at the Board office. A quorum was present.

Motion was made by Janice Kuperstein, seconded by Virginia Johnson to approve the minutes as amended of the November 19, 2009, Board meeting. Motion carried.

#### Complaint Committee

C2008-07 Case is ongoing.

BIC2008-19 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to accept the signed Settlement Agreement from Lawrence Tatem, PT. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Mr. Tatem will appear at the next regularly scheduled Board meeting. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2008-29 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-09b The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-16 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to issue a Private Admonishment for a violation of KRS 327. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C009-23 Case is ongoing.

C2009-24 Case is ongoing.

BIC2009-25 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order for violation of KRS 327. Board approved the recommendation, seconded by Chuck Clark. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-87 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file an Order of the Board to submit to random drug screens upon return to Kentucky. Board approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

BIC2009-89 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Notice of Administrative Hearing and Order for violation of KRS 327. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-90 Case is ongoing.

C2009-91 Troy Grubb recused himself from discussion of the case and left the room during discussion. The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to close case due to insufficient evidence of a violation of KRS 327. Board approved the recommendation, seconded by Peggy Block. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting.

C2009-93 Case is ongoing

BIC2009-94 Case is ongoing.

C2010-01 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to open an investigation. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

C2010-02 The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel, to file a Denial of Licensure and Notice of Administrative Hearing and Order due to being disciplined in Arizona. Settlement authority was given to Board Counsel. The Board

approved the recommendation, seconded by Virginia Johnson. Motion carried. Complaint Committee members Peggy Block and Troy Grubb recused from voting.

The Board reviewed with approval the IPTPC report submitted by Brian Fingerson.

Robin McWhorter, PTA - The Complaint Committee recommended to the full Board upon summary of the matter, with the assistance of counsel and Brian Fingerson, to issue a Notice and Order of an Immediate and Temporary Suspension of Certificate for failure to comply with all terms of the Settlement Agreement. Board approved the recommendation, seconded by Janice Kuperstein. Motion carried. Complaint Committee members Ron Barbato and Troy Grubb recused from voting. Investigation is ongoing.

### **Update on Monitoring Probations**

Update on monitoring probations was given for the following with approval: April Coldiron, PT; James Rick Roe, PT; Ron Cole, PT; Mary Beth Barcus, PT; Malton Schexneider, PT.

### **Board and Administrative Business**

Sherri Roberts inquired about a rehab manager from another state and not licensed in Kentucky could screen a patient to recommend a physical therapy evaluation. The response to this question depends upon the extent of the screening to be completed. If this is a chart review with no patient contact, simply to determine whether a PT should see the patient, and the individual in no way holds him or herself out as a PT, then a license in Kentucky would not be required. If the individual has contact with the patient or with other professionals and thus is recognized as a PT performing a screen, then the person must be licensed by this Board.

Mitch Crabtree, PT, asked whether a physical therapist assistant may work under the direction of a physician. Physical therapist assistants shall be supervised by physical therapists licensed under KRS 327.

James Rybarczyk, PT, asked the Board what physical therapy documentation is necessary for patients transitioned from an ICF/MR environment to another environment, such as a community based alternative, receiving physical therapy services under the same corporate umbrella. After discussion, it was determined that the requirements for reevaluation would be changed accordingly, such that a reassessment is required every 30 days as required in 201 KAR 22.053.

A motion was made by Janice Kuperstein to revise the current OASIS Declaratory Opinion per Board discussion, seconded by Virginia Johnson. The Board is of the opinion that the physical therapist may complete a drug regimen review as required on the OASIS. However, given the growing complexity of pharmaceutical management, therapists are advised to refer any questions in reconciliation to another professional as required under 201 KAR 22.053 Section 3 which requires that the physical therapist shall "refer the patient to other professionals when the treatment or service is beyond their scope of his practice."

A motion was made by Troy Grubb, seconded by Ron Barbato, to write a Declaratory Opinion on whether dry needling is within a physical therapist scope of practice. Dry needling is the use of a solid needle for therapy that is used to treat musculoskeletal pain and disorders. Nothing in KRS 327 would prohibit a physical therapist licensed under KRS 327 who is competent in this intervention from performing the intervention. Motion carried.

A motion was made by Ron Barbato, seconded by Chuck Clark, to amend 201 KAR 22:045 to add "Completion of other applicable courses consisting of less than 3 hours in length" to Category 2; 201 KAR 22.135 Fees for initial credentialing from \$170 to \$200, Reinstatement fee from \$150 to \$180, Renewal fee from \$100 to \$130 and to increase other fees; and amend 201 KAR 22:020 to limit the number of times an applicant may take the national physical therapy examination to 3 times before remedial education is required. Motion Carried.

A motion was made by Troy Grubb, seconded by Ron Barbato, to table the law changes this legislative session after withdrawal and support from the KPTA was received. A letter will be mailed by the Chair to the KPTA advising the course of action that is planned to improve communication between all parties.

A motion was made by Janice Kuperstein, seconded by Ron Barbato, to hold the Board meetings throughout the State of Kentucky and allow continued competency credits for attendance to encourage licensees and students to attend.

#### **Other Board Matters**

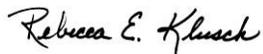
FARB Annual Forum in Las Vegas, NV January 29-31, 2010. Mark Brengelman and Becky Klusch were approved to attend at the September Board meeting.

Board members reviewed the lists of persons issued a license, certificate as well as examinees and reinstatements since the last meeting. Lists are attached to these minutes.

The Board reviewed the financial statement ending December 31, 2009.

A motion was made by Ron Barbato, seconded by Troy Grubb to adjourn the meeting at 3:30 p.m. Motion carried.

Respectfully submitted,



Rebecca E. Klusch  
Executive Director